REMARKS

STATUS OF THE CLAIMS

Claims 1, 5, 21 and 23-29 are currently pending in this application. Claims 24 and 26 have been cancelled without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter to these claims in this or another matter. Each of claims 1, 21, and 23 has been amended as indicated by the Listing of Claims section of this Paper.

Accordingly, no new matter has been added by the aforementioned amendment and no estoppels are intended thereby. Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

OFFICE ACTION

DRAWINGS

The drawings are objected to due to the drawings' alleged lack of illustration of the articulation recited in claim 24. Without conceding the propriety of the rejection, claim 24 has been cancelled rendering this object moot with respect to claim 24.

No further elaboration is believed necessary and withdrawal of this objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112

(1) Claims 1, 5, 21 and 23-29 stand rejected under 35 U.S.C. § 112 as being indefinite. Applicant respectfully traverses this rejection.

Without conceding the propriety of the rejection, claims 24 and 26 have been cancelled rendering this rejection moot with respect to these claims. With respect to claims 1, 21, 23 and 27 each has been amended as duly noted in the Listing of Claims section of this Paper, overcoming this 35 U.S.C. § 112 rejection to each of the respective claims.

Accordingly, in light of the aforementioned comments, withdrawal of this rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

(1) Claims 1, 5, 21 and 23-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thorgersen in view of Helmner. Applicant respectfully traverses this rejection.

To establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim elements. M.P.E.P. § 2143. There must also be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references. *Id.* Applicant respectfully submits that these criteria for obviousness have not been satisfied.

Without conceding the propriety of the rejection, claims 24 and 26 have been cancelled rendering this rejection moot with respect to these claims.

Turning now to the Thorgersen reference, on the one side, it discloses an apparatus for loading and unloading aircrafts. As is apparent from the drawings of said reference, the apparatus discloses a conveyor part extendable in length and able to be moved through an opening of the aircraft into the cargo hold of the aircraft. See, for example, Fig. 16 and 17, which clearly depict the conveyor organ being snake-like extended deeply into the cargo hold.

In other words, the Thorgersen reference teaches a tarmac based conveyor organ, the front portion of which may be introduced through a cargo hold opening into the cargo hold of a plane and moved across the cargo hold floor by means of casters.

Said conveyor organ thus provides a conveyor belt leading from the tarmac to the rear end of the cargo hold as a support for the loading and unloading of cargo that is in this case, is performed manually by a person, as is indicated in Figures 16 and 17.

Further, in order to operate the conveyor organ, it is advanced towards the plane, a first portion thereof is then raised to the height of the cargo hold opening in the manner of an inclined plane. Next, another portion is introduced into the cargo hold opening, at a 90 degree angle. And finally, another portion is extended in parallel with the inside wall in the cargo hold from the cargo hold opening to the rear end of the cargo hold.

As disclosed in the Thorgersen reference, an additional table is required, which is erected on the floor at the rear end, to extend across the entire width of the cargo hold and is adjustable in height. Suitcases, sacks or other like cargo must thus be loaded and unloaded onto the table, with the loading being performed by transporting these goods with the aid of the conveyor belt from the tarmac to the end of the conveyor belt in the cargo hold in front of the table. During this process, the cargo is dragged onto the table by a person kneeling at the table, and dragged on across the latter to then push the cargo onto the stack of loose cargo to be formed.

The aforementioned discussed apparatus disclosed in the Thorgersen reference has the drawback that when either one of the table and conveyor organ is handled inappropriately, harm or damage to the structure of the plane can occur. If the table is adjusted in height with loose cargo placed on it, there is a risk of the inside wall being damaged immediately by its ends adjacent thereto. Further, during introduction of the extremely long and unwieldy conveyor belt, damage to the cargo hold opening cannot be ruled out. Moreover, this auxiliary apparatus is of little help, for whenever a row of loose cargo has been stacked, it must be moved back for a distance, positioned anew, and connected with the table which equally has to be oriented anew.

The Helmner reference fails to cure the aforementioned deficiencies in Thorgersen. The Helmner reference, on the other hand, discloses a transport system arranged on the floor of a plane only.

More specifically, Helmner discloses a transport means which covers the surface of the floor in the cargo hold. The transport means serves to intermittently convey the loose cargo towards the inside of the cargo hold. As depicted, the front end of the transport means reaches into the range of the cargo hold opening inside the fuselage, and has the form of a transport carpet.

During operation of the apparatus disclosed by Helmner, loose cargo is transported from the cargo hold opening to the cargo hold and into the cargo hold, where the loose cargo is deposited on the transport carpet. The transport carpet then assists to facilitate or reduce the use of human labor in the cargo hold, however, it still requires the use of human labor, particularly in the area of the cargo hold hatch.

As is the case with Thorgersen, personnel must receive the luggage or loose cargo, conveyed by an external conveyor organ from the tarmac up to the cargo hold opening, and deposit it in the cargo hold across the width of the fuselage onto the front end of the transport carpet. The cargo is then conveyed into the inside of the cargo hold.

Accordingly, for unloading the cargo, it is in turn necessary to also employ individuals to obtain and receive the loose cargo using the transport carpet within the cargo hold at the cargo hold opening. The individual then acquires the loose cargo and the carries to the end of the external conveyor device projecting into the cargo hold opening, where it is conveyed down to the tarmac with the aid of the external conveyor device.

In summary, two totally different systems are disclosed in each of the references cited by the Examiner. Although both systems relate to the loading cargo in cargo holds of airplanes, the one skilled in the art would not gather any motivation to combine the teachings of these references.

More specifically, considering the Thorgersen reference, one skilled in the art can recognize a snake-like conveyor organ reaching deep into the cargo hold in which a person takes the cargo and arranges same in the cargo hold is disclosed. When considering this teaching, one skilled in the art would neither see any necessity nor any possibility to combine a system reaching through the entire cargo hold as the snake conveyor does, with a cargo transport system like that which is disclosed by the Helmner transport carpet. Moreover, the aforementioned alleged combination of the teachings of Thorgersen and Helmner would merely lead to a system having a transport means provided at the tarmac, wherein said transport means comprises a transport organ able to reach deeply into the cargo hold for transporting cargo into same, and not a system for loading cargo into the cargo hold of a plane having an intermediate conveyor.

In addition, a carpet-like transport means operates on the floor of the airplane, however, due to the nature of the snake system, it has no function for the carpet like transport as it already delivers the cargo deeply into the cargo hold. Moreover, if the teachings of Thorgersen and Helmner were combined as the Examiner suggests, the carpet-like transport would adversely affect the positioning of the snake transport as the carpet transport's movement would influence the casters which propel the snake across the cargo hold floor.

Thus, departing from the Thorgersen system, one skilled in the art would recognize that an additional transport means like the one disclosed by Helmner is not necessary as the cargo can

already be transported deeply into the plane by means of the Thorgersen transport snake and it the two apparatus can not be combined to act in unison.

Furthermore, one skilled in the art would also recognize that human labor is still necessary in each of the systems disclosed by Thorgersen and Helmner to supply the cargo to the cargo hold and not in the system of the present application. Thus, combining these teachings would, if considered at all, not contribute to solving the underlying problem of the present application and the aforementioned teachings of those two references are not suitable to provide sufficient information for one skilled in the art to arrive at the subject matter claimed.

Accordingly, in light of the aforementioned remarks, Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

Entry of the Amendment after Final Rejection is requested. The Amendment is believed to overcome the pending rejections. No new matter is added and no new issues are believed to be raised. No additional claims are presented.

No extension-of-time fee or other fees are believed due at this time. However, any extension of time necessary to prevent abandonment is hereby requested, and any fee necessary for consideration of this response is hereby authorized to be charged to Deposit Account Number 50-2036.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at 202/861-1714.

Respectfully submitted,

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